

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of  
Burk

Serial No.: 10/621,195

Filed: July 15, 2003

For: Cyclopentane Heptan(ENE)OIC Acid,  
2-Heteroarylalkenyl Derivatives As Therapeutic Agents

Examiner: Zohreh A. Fay

Group Art Unit: 1618

Conf. No.: 2332

Customer No.: 051957

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Commissioner of Patents  
Alexandria, VA 22313-1450

Dear Sir:

The owner, Allergan of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 and 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. **5,741,810**; **6,248,773**; and **6,160,129**. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patents or by any other law, as presently shortened by any terminal disclaimer, in the event that they later: expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminal disclaimed under 37 CFR 1.321, have all claims cancelled by a reexamination certificate, are reissued, or

are in any manner terminated prior to the expiration of their full statutory term as presently shortened by any terminal disclaimers.

The undersigned is an attorney of record.

Date: May 12, 2009

By: /John E. Wurst/  
John E. Wurst  
Attorney of Record  
ALLERGAN, INC.

X PTO suggested wording for terminal disclaimer was unchanged.

X Please charge the terminal disclaimer fee under 37 CFR 1.20(d) to Account No. 01-0885.

X Please charge Deposit Account 01-0885 for the extension fees and any other fees due in this case as noted on the attached fee transmittal.